

**REMARKS/ARGUMENTS**

Upon entry of the above amendment, claims 1-10 will have been amended and resubmitted for consideration by the Examiner. Claims 11 and 12 are newly submitted. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Turning to the merits of the action, the Examiner has rejected claims 7 and 10 under 35 U.S.C. § 102(e) as being anticipated by SEKIGUCHI (U.S. Patent No. 6,898,627). The Examiner has rejected claims 1-5, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over FUJUKI (U.S. Patent No. 6,542,254) in view of WANG (U.S. Patent No. 6,757,891). The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over FUJUKI (U.S. Patent No. 6,542,254) in view of WANG (U.S. Patent No. 6,757,891) and SEKIGUCHI (U.S. Patent No. 6,898,627).

As noted above, Applicant has amended claims 1-10 for reconsideration. Applicant respectfully traverses the above rejections based on pending claims 1-10 and will discuss these rejections with respect to the pending claims in the present application as will be set forth hereinbelow. The amendments to the claims merely clarify the subject matter recited in the rejected claims, but do not narrow the scope of the claims.

Regarding the rejection of claims 7 and 10 under 35 U.S.C. § 102(e), Applicant's claim 7 generally relates to a dial-up Internet facsimile apparatus that includes a

modem that a makes dial-up connection to a service provider of e-mail via a telephone line. The dial-up Internet facsimile apparatus further includes an e-mail receiver that receives data regarding a size of e-mail data from the service provider before receiving the e-mail data, skips reception of the e-mail with the received size when the received size data of the e-mail data exceeds a predetermined value, and proceeds to reception of a next e-mail data without receiving the e-mail data with the received size. Claim 10 recites a related method.

In direct contrast, SEKIGUCHI relates to an e-mail/facsimile machine 1-11 which obtains e-mail data from an e-mail server 1-10, converts the e-mail data into image data, sends the converted image data to a facsimile machine 1-13. After the e-mail/facsimile machine 1-11 receives the e-mail data 1 from the e-mail server 1-10 (Fig. 3, step 2-7), the e-mail/facsimile machine 1-11 transmits to the e-mail server 1-10 a request for deleting the e-mail data 1. Then, once the e-mail data is successfully decoded, the e-mail server 1-10 deletes the e-mail data 1, as shown at step 2-8 of Fig. 3 (col. 10, lines 16-21).

However, SEKIGUCHI does not disclose a dial-up Internet facsimile apparatus which receives data regarding a size of e-mail data from the service provider before receiving the e-mail data, skips reception of the e-mail with the received size when the received size data of the e-mail data exceed a predetermined value, and proceeds to reception of a next e-mail data without receiving the e-mail with the received size. Rather, in SEKIGUCHI, the e-mail/facsimile machine 1-11 receives the e-mail data 1 from the e-mail server 1-10 (Fig. 3, step 2-7). Then, the e-mail/facsimile machine 1-11 transmits to the e-mail server 1-10 a request for deleting the e-mail data (Fig. 3, step 2-

8). However, such deleting occurs when the e-mail data has been received and successfully decoded. In direct contrast, the present invention, as defined in claim 7, "skips reception" when the size data of the e-mail data exceeds a predetermined value.

The present invention as defined in the various claimed embodiments, recites a dial-up Internet facsimile apparatus which receives data regarding a size of e-mail data from the service provider before receiving the e-mail data, skips reception of the e-mail with the received size when the received size data of the e-mail data exceeds a predetermined value, and proceeds to reception of a next e-mail data without receiving the e-mail with the received size.

In setting forth the rejection, the Examiner notes that SEKIGUCHI eliminates e-mail over a predetermined size from e-mails to be received. This is incorrect. While SEKIGUCHI does disclose receiving data regarding a size of an e-mail, that size information is not used in the manner suggested by the Examiner. The size information is utilized as set forth in the paragraph beginning on column 10, line 66. In this regard, when it is determined that the memory is insufficient to receive all e-mail data because the amount of e-mail data is greater than the currently available memory space, the CPU receives only the header of the e-mail. Thus, contrary to the Examiner's assertion, even when the data is greater than the capacity of the memory, the e-mail data is still received. In particular and again contrary to the Examiner's interpretation of SEKIGUCHI, under such circumstances the e-mail data is not deleted. In this regard, the Examiner's attention is respectfully directed to column 11, line 17.

In accordance with the teachings of SEKIGUCHI, e-mail data is deleted only when it is no longer necessary. Thus, when e-mail data is successfully decoded, the

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original e-mail data is deleted whereas if for some reason the e-mail data cannot either be totally received or cannot be processed (i.e., decoded), then it is not deleted because it is still necessary. Accordingly, the disclosure of SEKIGUCHI does not contain the combination of features recited in Applicant's claims which require, inter alia, not deletion of e-mail, when the e-mail is no longer necessary but skipping to the reception of the next e-mail when the size of an e-mail is greater than a predetermined amount.

Thus, claims 7 and 10 are clearly distinguished over SEKIGUCHI.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 7 and 10 are not disclosed in or suggested by SEKIGUCHI cited by the Examiner. An indication of the allowability of claims 7 and 10 is thus respectfully requested.

Absent a disclosure in a single reference of each and every element cited in a claim, a prima facie case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 7 and 10, these claims are not anticipated thereby. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 U.S.C. § 102.

Regarding the rejection of claims 1-5, 8 and 9 under 35 U.S.C. § 103(a), Applicant's claims 1-3 generally relate to a dial-up Internet facsimile apparatus that includes a modem that makes dial-up connection to a service provider of e-mail via a telephone line and an operation section that includes a stop button. The stop button is configured for disconnecting the connection to the service provider. The dial-up

Internet facsimile apparatus comprises an e-mail receiver that receives e-mail data from the connected service provider and that, when the stop button is pressed while receiving the e-mail data, disconnects the connection to the service provider without waiting for the completion of the e-mail data reception and without performing another communication. Claim 8 recites a related method.

Applicant's claims 4-6 generally relate to a dial-up Internet facsimile apparatus that includes a modem that makes a dial-up connection to a service provider of e-mail via a telephone line and an operation section that includes a stop button. The stop button is configured for interrupting the reception of the e-mail data from the service provider. The dial-up Internet facsimile apparatus further includes an e-mail receiver that receives e-mail from the connected service provider and that, when the stop button is pressed while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception. The e-mail receiver proceeds to the reception of the next e-mail data from the service provider after the interrupted e-mail data. Claim 9 recites a related method.

In direct contrast to the above, FUJIKI relates to a facsimile device in which, when a facsimile communication request is made (Fig. 2, S5) while a line connection to the Internet service provider is already established (Fig. 2, S4), electronic mail reception is halted (Fig. 2, S7) and facsimile communication takes place (Fig. 2, S9).

However, FUJIKI does not disclose a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for disconnecting the connection to the service provider. FUJIKI also does not disclose a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for

interrupting the reception of the e-mail data from the service provider. Rather, FUJIKI merely discloses the keypad 5 for substituting facsimile transmission instead of the e-mail transmission (col. 4, lines 11-18 and col. 5, lines 10-14).

Further, FUJIKI does not disclose a dial-up Internet facsimile apparatus which, when the stop button is pressed while receiving the e-mail data, disconnects the connection to the service provider without waiting for the completion of the e-mail data reception, and without performing another communication. Rather, FUJIKI performs the facsimile communication automatically (Fig. 2, S9) after the halt of the electronic mail reception (Fig. 2, S7), since the facsimile transmission is requested (Fig. 2, S5) before the halt of the electronic mail reception (Fig. 2, S7). In other words, in FUJIKI, the operation of halting the electronic mail reception inevitably includes performing the facsimile transmission thereafter.

Additionally, not only does FUJIKI, immediately upon halting the e-mail reception, start a facsimile communication, but upon the conclusion of the facsimile communication, a dial-up connection is automatically made to the Internet service provider as evidenced by the flow of "one" after step S9 which leads back to step S3. Thus, while the disconnection of the connection to the service provider according to the features of the present invention is without performing another communication, according to the teachings of FUJIKI both a facsimile operation and a further electronic mail communication are inevitably performed after disconnection.

On the other hand, the present invention recites a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for disconnecting the connection to the service provider. The present invention also

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recites an e-mail reception section that receives e-mail data from the connected service provider and that, when the stop button is pressed while receiving the e-mail data, disconnects the connection to the service provider without waiting for the completion of the e-mail data reception, and without performing another communication.

FUJIKI also does not disclose a dial-up Internet facsimile apparatus which, when the stop button is pressed while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception, the receiver proceeding to the reception of the next e-mail data from the service provider after the interrupted e-mail data. Rather, FUJIKI performs the facsimile communication (Fig. 2, S9) since the facsimile transmission is requested (Fig. 2, S5), after the electronic mail reception is halted (Fig. 2, S7). In other words, FUJIKI performs a different type of communication (the facsimile communication) from the e-mail communication after the electronic mail reception is halted. Thus, FUJIKI does not proceed to the reception of the next e-mail data "from the service provider" after the interrupted e-mail data. In other words, FUJIKI after interrupting the e-mailed reception, performs a facsimile communication and thereafter merely dials-up and connects to the Internet service provider. However, FUJIKI does not receive "the next e-mail data".

On the other hand, the present invention recites a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for interrupting the reception of the e-mail data from the service provider. The present invention recites an e-mail receiver that receives e-mail from the connected service provider and that, when the stop button is pressed while receiving the e-mail data,

interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception, said receiver proceeding to the reception of the next e-mail data from the service provider after the interrupted e-mail data.

Additionally, Applicant notes that based on the flowchart of Fig. 2 of FUJIKI, the determination in step S5 occurs "upon receiving one page of image data equivalent electronic mail message" (col. 5, lines 23-25).

Thus, pending claims are clearly distinguished over FUJIKI.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 1-5, 8 and 9 are not disclosed in or suggested by FUJIKI cited by the Examiner.

In setting forth the rejection, the Examiner relies on WANG to overcome the deficiencies of FUJIKI. WANG teaches the button 56 which is used to interrupt the e-mail communication when the user needs to use the telephone (col. 6, lines 47-48).

However, WANG does not disclose a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for disconnecting the connection to the service provider. WANG also does not disclose a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for interrupting the reception of the e-mail data from the service provider. Rather, WANG merely discloses the button 56 which is part of an answering machine and is used to interrupt the e-mail communication when the user needs to use the telephone (col. 6, lines 47-48). There is thus no proper motivation for combining features from these references.

Further, WANG does not disclose a dial-up Internet facsimile apparatus which, when the stop button is pressed while receiving the e-mail data, disconnects the



connection to the service provider without waiting for the completion of the e-mail data reception; whereby the connection to the service provider is completed without performing another communication. Rather, WANG suggests performing a telephone communication after the interruption of the e-mail communication (col. 6, lines 47-48). In other words, WANG merely contains similar disclosures to FUJIKI. Thus, in WANG, the operation of interrupting the e-mail communication is related to a telephone communication.

On the other hand, the present invention recites a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for disconnecting the connection to the service provider. The present invention also recites an e-mail receiver that receives e-mail data from the connected service provider and that, when the stop button is pressed while receiving the e-mail data, disconnects the connection to the service provider without waiting for the completion of the e-mail data reception, whereby the connection to the service provider is completed without performing another communication.

WANG also does not disclose a dial-up Internet facsimile apparatus which, when the stop button is pressed while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception, said reception section proceeding to the reception of the next e-mail data from the service provider after the interrupted e-mail data. Rather, WANG performs a telephone communication after the interruption of the e-mail communication (col. 6, lines 47-48). In other words, WANG performs a different type of communication (a telephone communication) from the e-mail communication after the

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interruption of the e-mail communication. Thus, WANG does not proceed to the reception of the next e-mail data "from the service provider" after the interrupted e-mail data.

On the other hand, the present invention recites a dial-up Internet facsimile apparatus which includes a stop button, the stop button being configured for interrupting the reception of the e-mail data from the service provider. The present invention recites an e-mail receiver that receives e-mail from the connected service provider and that, when the stop button is pressed while receiving the e-mail data, interrupts the reception of the e-mail data from the service provider without waiting for the completion of the e-mail data reception, said reception section proceeding to the reception of the next e-mail data from the service provider after the interrupted e-mail data.

Moreover, there is no indication whatsoever within WANG that the interruption by button 56 of e-mail communication occurs in the middle of an e-mail reception. Rather, it possibly may interrupt an e-mail communication at the end of the next reception of data.

Thus, the pending claims are clearly distinguished over WANG.

Therefore, it is respectfully submitted that features recited in Applicant's claims 1-5, 8 and 9 are not disclosed in or suggested by FUJIKI or WANG cited by the Examiner. Thus, the pending claims are also submitted to be patentable over the Examiner's proposed combination, since even combination of FUJIKI and WANG does not disclose the combination of the features recited in Applicant's claims 1-5, 8 and 9.

Moreover, the Examiner has not set forth a proper motivation for the proposed combination. FUJIKI relates to a facsimile device which performs the facsimile communication after the halt of the electronic mail reception, based on the request of the facsimile transmission before the halt of the electronic mail reception. Thus, FUJIKI neither suggests completing the connection to the service provider without performing another communication nor suggests proceeding to the reception of the next e-mail data from the service provider after the interrupted e-mail data. On the other hand, WANG merely suggests performing a telephone communication after the interruption of the e-mail communication. Thus, WANG also neither suggests completing the connection to the service provider without performing another communication nor suggests proceeding to the reception of the next e-mail data from the service provider after the interrupted e-mail data.

Moreover, WANG is directed to adapting an existing telephone system to receive and deliver electronic messages. WANG is not directed to a dial-up Internet facsimile apparatus as recited in the claims of the present application. Accordingly, although both the WANG and FUJIKI documents relate to a generally similar area of technology, the differences, functional and structural, between them are such that one of ordinary skill in the art would not be motivated to modify the FUJIKI disclosure in view of the WANG disclosure.

Regarding the rejection of claim 6 under 35 U.S.C. § 103(a) based on FUJIKI in view of WANG and SEKIGUCHI, Applicant submits that dependent claim 6 is dependent from allowable independent claim 1, which is allowable for at least the reasons discussed supra. Thus, dependent claim 6 is also allowable for at least the

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reasons discussed supra. Further, dependent claim 6 sets forth a further combination of elements neither taught nor disclosed by any of the applied references.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.

By the present Response, Applicant has submitted claims 11 and 12 for consideration by the Examiner. Using claim 11 as an example, it requires that the receiver disconnects the connection without regard to the progress of an e-mail data reception. This additional feature is not taught, disclosed nor rendered obvious by FUJIKI or WANG in any proper combination. As noted above, FUJIKI discloses that the facsimile communication request occurs upon receiving one page of image data equivalent electronic mail message. Accordingly, Applicant respectfully requests consideration of claims 11 and 12 and an indication of the allowability thereof, in due course.

**SUMMARY AND CONCLUSION**

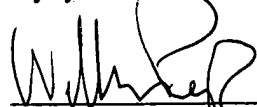
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the rejected claims for consideration by the Examiner and has submitted two additional claims for consideration.

With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the pending claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

The amendments to the claims which have been made in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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